LUDO ROCHER

AN ANONYMOUS TRACT ON INHERITANCE FROM BENGAL

THE following is an edition of a short, anonymous tract on the law of inheritance in Bengal. It is a versified summary of the initial chapters of Śrīkṛṣṇatarkālaṅkāra's *Dāyādhikārakramasaṃgraha* (hence Dks), corresponding to pages 1-29 in Lakshmi Narayan Serma's edition (Calcutta 1828) and pages 1-61 (chapters 1 and 2) of P.W. Wynch's translation (2nd edition, Serampore 1878) of this text. Even though the contents, therefore, are not very original, the text bears testimony to the intense study, in the ṭols of Bengal, of the topic of inheritance, initiated by Jīmūtavāhana, and further developed by a host of scholars including Raghunandana and Kṛṣṇatarkālaṅkāra.

The edition is based on a single manuscript, in Bengali characters, preserved at Calcutta Sanskrit College (Smṛti, no. 1585). The text on inheritance, which covers two complete folios—three times eight lines, once six—is followed by five and one half folios, equally in verse, on the subject of *āśauca*. The manuscript, composed of yellow, country-made paper, is worn out and the corners are torn off. In a number of places

it has become either hard to read or totally illegible. These passages are indicated with brackets [ ]. I have also used these brackets to suggest shorter or possibly longer omissions in the manuscript. Having myself copied numerous lists of categories of heirs in Sanskrit texts (*tadabhāve* X, *tadabhāve* Y, *tadabhāve* Z, etc. etc.), I realize how easy it is for a scribe to omit items in these lengthy enumerations. The notes that accompany the edition briefly address the various textual problems.

oṃ namo gaṇeśāya

sambandhino dhanaṃ dāyaḥ bhāgas tasyaiva [..] nam.
yena kena prakāreṇa yadā saṃbandhibhis tu saḥ
vibhajyate tadā dāyabhāgaḥ saṃkathyate budhaiḥ.
ādau mṛtadhane putrāḥ savarṇā adhikāriṇaḥ,
samāṃśinas tu te sarve jyeṣṭho jyeṣṭhāṃśam arhati.
teṣām abhāve pautrāḥ syu[ḥ] prapautrās tadanantaram.
prapautrāṇām abhāve tu patnī syād dhanahāriṇī.
patnyabhāve duhitaro bhāginyas taddhanasya tu.
tāsāṃ madhye 'py adattā yā prathamaṃ sā tu bhāginī.
adattā vākyadattā ca bhavetāṃ tv asamāṃśike.
tayor abhāve ca mṛte yugapad dhanahārike

Line 2. The last word is not clear; the first akṣara seems to be either *va* or *ra*.

5. Dks. 1.1 *tatrādau mṛtadhane aurasaputrasyādhikāraḥ*.

10. *prathamaṃ* : ms *prathame*.

sambhāvitasutāputravatyau syātāṃ samāṃśike.
duhitṝṇām abhāve ca dauhitrā dhanabhāginaḥ.
dauhitrāvadhyabhāve tu pitā taddhanabhāg bhavet.
pitrabhāve bhaven mātā dhanasyāpi vibhāginī.
tadabhāve ca jānīyāt sodarā[n] dhanabhāginaḥ.
sodarāṇām abhāve tu sajātīyā vimātṛjāḥ.
sodarāsodarau yatra saṃsṛṣṭau bhavato yadi,
tayor madhye sodaraḥ prāk dhanabhāgī bhavet punaḥ.
saṃsṛṣṭinau tu na syātāṃ sodarāsodarau yadi,
gṛhītavyaṃ sodareṇa mṛtasodaravittakam.
asodaras tu saṃsṛṣṭī sodaras tu pṛthag yadā,
ubhābhyāṃ tu gṛhītavyam aputrabhrātṛrikthakam.
yatra kaścana saṃsṛṣṭī sodaro 'nya[ḥ] pṛthag yadā,
tatra [. . .] saṃsṛṣṭī sodaro nānyam[ātṛ]jaḥ.
saṃsṛṣṭinau yadā syātāṃ sodarāsodarāv ubhau,
dharmadvayaviśiṣṭatvāt sodaro dhanabhāk param.
evam evādhikāritvaṃ bhrātṛputreṣu ca smṛtam.
tadabhāve sodarasya sutānāṃ syāt samāṃśitā.
vaimātreyabhrātṛputrās tadabhāve [samāṃ]śinaḥ.
teṣāṃ putrās tu tadabhāve dhaninas taddhane 'dhunā.

26. [. . .] : ms *kaścana*. The text requires a verb, such as *gṛhṇīyāt*. Even the word *saṃsṛṣṭī* may, like *kaścana*, have been transferred erroneously from the preceding line.

eṣām abhāve vijñeyā pitṛdauhitrabhāgitā.
sodarā bhaginī yā ca tatputras ca tathā bhavet.
vaimātreyabhaginyāḥ sa tulyāṃśy ācāryasaṃmatam.

pitṛdauhitrānta eva bhrātṛdauhitrabhāgitā.
[. . . . .
. . . .] nte syāt tatpatnī dhanahāriṇī.
etayor apy abhāve tu pitṛvyasya dhanaṃ bhavet.
pitṛvyasyāpy abhāve tu tasya putrāḥ samāṃśinaḥ.

pitṛvyaputrāṇām abhāve tatpautrā dhanabhāginaḥ.
pitṛvyapautrāṇām abhāve cādhikārī nigṛhyate
pitāmaha[dauhitras ca dha]ninas tu dhane dhanī.
tasyābhāve pitṛvyasya dauhitras tu dhanī bhavet.
pitṛvyadauhitrābhāve krameṇaivādhikāritā

vijñeyā prapitāmahyo [ḥ]. dhaninas tu tataḥ param.
pitāmahasya bhrātā vai dhaninas tu dhane khalu
pitāmahabhrātṛputro dhanā [. .] tataḥ param

32. *tu* makes the line hypermetric, and may have to be deleted. Yet, there are other hypermetric lines (e.g., 39, 40, 144) and various metric irregularities in the text.

35. *ācārya°* : Dks 1.10.1 *ācāryacūḍāmaṇiḥ*,

36. The ms erroneously inserts this line after line 34.

37-38. The first half of line 38 is illegible. Missing here is the *pitāmaha*, probably in 3 half lines rather than a single one.

42. *nigṛhyate* : possibly to be corrected into *nigadyate* (cf. line 129).

46. *prapitāmahyo*[*ḥ*]: possibly to be further emended into *prapitāmahayoḥ*. Dks 1.10.10 *prapitāmahaprapitāmahyoḥ*.

tadabhāve bhrātṛpautro jñeyaḥ pitāmahasya ca.
prapitāmahadauhitro hy adhikārī tataḥ param.
[. . . . .]
mātāmahas tu vijñeyaḥ dhanabhāgī tataḥ param.
tadabhāve mātulas tu adhikārī ca dharmataḥ.
tadabhāve tu tatputro dhanī bhavati sarvadā.
tato mātulapautras tu krameṇa dhanabhāg bhavet.
eṣām abhāve vijñeyo dhanabhāgī tataḥ param
mātāmahasya dauhitro pramātāmaha eva ca.
tadabhāve tu tatputro dhanī syāt tatsutas tataḥ.
tadabhāve tu tatputraḥ krameṇa dhanabhāg bhavet.
[. . . . .]
tato vṛddhapramātus ca dauhitraḥ śāstrasammataḥ.
mṛtasya dhaninaḥ piṇḍadātrabhāve sakulyakaḥ
samānodaka eva syād adhikārī ca kathyate.
tatas tv ācāryasacchiṣyau kramāj jñeyau dhanaprabhū.
sakulyo vividho jñeyo 'dhastanordhvatanakramāt.
prapautraputrāvadhayo jñeyo 'dhastana eva ca,
pūrve cordhvatanā; ādāv adhastanakrame trayaḥ.
bahavo jñātayo yatra sakulyā bāndhavās tathā,

51. Omitted here is the *pitāmahabhrātṛdauhitra* (Dks 1.10.13).

60. The ms omits: *pramātāmahadauhitra*, *vṛddhapramātāmaha*, *vṛddhapramātāmahaputra*, *vṛddhapramātāmahapautra*, and *vṛddhapramātāmahaprapautra*. (Dks 1.10.18-19).

66. Grammatically we expect *jñeyā adhastanā eva ca*. The reading of the ms, however, fits the metre.

68-69. =Bṛhaspatismṛti 26.138, also quoted Dks 1.10.25.

yo hy āsannataras teṣāṃ so 'napatyadhanaṃ haret.
tadāsannataratvaṃ ca upakārakrameṇa hi.

evaṃvidhasakulyānām abhāve ca samodakāḥ.
sarveṣām apy abhāve ca brāhmaṇā dhanahāriṇaḥ.
svagrāmasthā vedavido brāhmaṇā adhikāriṇaḥ.
evaṃbhūtabrāhmaṇā[nā]m abhāve tatpare 'pi ca
rājā tu brāhmaṇadhanaṃ tyaktvānyasya dhanaṃ haret.
vānaprasthayatīnāṃ ca dharmabhrātā hared dhanam,
dharmamūlam yatas teṣāṃ dāyādā nānya eva hi.
vānaprasthayatibrahmacāriṇāṃ dhanahāriṇaḥ
krameṇācāryasacchiṣyadharmabhrātaikatīrthinaḥ.
krameṇa pratilomena jānīyād vai vicakṣaṇaḥ,
brahmacāridhanaṃ tu syād ācāryasya kramo yataḥ.
yater dhane tu sacchiṣyo vānaprasthadhane tataḥ
adhikāryo 'py ekatīrthī yathāśāstrānu[..]taḥ
dvividho brahmacārī ca naiṣṭika [.] tataḥ param
upakurvāṇa [.] va syāt; yathākrama [.] ucyate,
naiṣṭikasya dhanaṃ yad vai ācāryasya bhavet tu tat,
upakurvāṇasya dhanaṃ pitā [. .] haret punaḥ.
pa [..] saṃkhyakā jñeyā vyavasthā puṃdhane budhaiḥ.

72. =Manusmṛti 9.188ab, also quoted Dks 1.10.32.

78-79. =Yājñavalkyasmṛti 2.137, also quoted Dks 1.10.36. Notice the versified commentary in lines 80-83.

87. ms *pitāmātā*. Dks 1.10.37 *upakurvāṇasya tu dhanaṃ pitrādibhir eva grāhyam*.

iti puṃdhanādhikāraḥ samāptaḥ.

dharmaśāstrapramāṇena strīdhanaṃ varṇyate 'dhunā.

dhanaṃ mṛtakumāryāś ca gṛhṇīyuḥ sodarāḥ, svayam.
teṣām abhāve mātus tat mātrabhāve bhavet pituḥ.
na tv eṣām adhikāro 'sti varadattadhane striyai,
varadattadhane yasmād adhikārī varo bhavet.
athoḍhāyāḥ striyā vitte bhāginām krama ucyate.

nirūpyate ca tatrādau strīdhanaṃ, na hi tad vinā
[. . . . .]
ādau tu yautukadhane kumārī cādhikāriṇī.
tadabhāve ca vāgdattā tadabhāve vivāhitā
saṃbhāvitasutā yā ca yā ca putravatī bhavet.

yugapad dhanabhāgitvam tayor Jīmūtasaṃmatam.
tayor abhāve vandhyāvidhavayor adhikāritā.
tathā tāsām abhāve tu tatsutānāṃ dhanāṃśitā.
putrābhāve tu dauhitro dhanabhāgī bhavet punaḥ.
pautras[.]tatpare tasyāḥ prapautras tadanantaram.

[. . . . .]
eṣām abhāve ca tato 'py adhikārī nigadyate
brāhmadaivārṣagāndharvaprājāpatyeṣu yautukam

97. The description of *strīdhana*—corresponding to Dks 2.2—is missing.

105. Possibly insert *tu* after *pautra-s* to correct the metre.

106. The ms omits: *sapatnīputra*, *sapatnīpautra*, and *sapatnīprapautra* (Dks 2.3.11-13).

dhanaṃ tasyāḥ pragṛhṇīyāt bhartā tatra na saṃśayaḥ.
bhartrabhāve tu bhrātā vai haret tat kramaśaḥ punaḥ.

bhrātrabhāve ca vijñeyā mātā taddhānahāriṇī.
mātrabhāve ca janako vittam bhuñjīta nānyathā.
mātuḥ pūrvaṃ pituś caike vadanty atrānyapaṇḍitāḥ
yuktyā tat pratipannaṃ na pūrvaṃ mātaiva bhāginī.
vivāhapūrvaparataḥ pitṛdattātiriktakam

yugapad eva [. . .] kānyaputrau tu yatnataḥ.
sāmānyaṃ putrakanyānāṃ mṛtāyāṃ strīdhanaṃ striyām
aprajāyāṃ hared bhartā mātā bhrātā pitāpi vā.
sādhāraṇaṃ tu yat proktaṃ kanyāyāḥ putrakasya ca,
tayor ekatarābhāve vidyamānasya tad bhavet.

tayor abhāve coḍhāyāḥ putravatyās ca tulyatā
sambhāvitāyāś ca tathā tulyasantānadarśanāt.
āsām ekatarābhāve anyasyās tad dhanaṃ bhavet.
dvayor abhāve pautras tu dauhitras tadanantaram.
eṣāṃ piṇḍapradānena p[. . . . . . .]tā.

117-118. A verse from Devalasmṛti, also quoted Dks 2.4.3.

122. There may be an omission between the two halves of the line, since *tulyasantānadarśanāt* is the second half of Nāradasmṛti 13.50ab, quoted Dks 2.4.5.

123. *anyasyās*: ms *anyasya* (masc!). Dks 2.4.6 *etayor ekatarābhāve anyatarasyāḥ*.

dauhitro 'pi hy amutrainaṃ santārayati pautravat.
asyābhāve prapautraḥ syāt sapatnīputra eva ca.
tatpare tu vijānīyāt sapatnīpautra eva ca.
prapautras tatpare tasyā adhikārī nigadyate.
vandhyāvidhavayos tulyādhikāri [. . . . .].

tayos tu tatprajātvāc ca taddhane 'dhikāritā.
abhāve tu prajānāṃ vai bhartā taddhanam āharet.
brāhmādipañcakadhane kramāj jñeyādhikāritā:
bhartā bhrātā tathā mātā pitā ca pūrvavad dharet.
āsurāditrike labdhaṃ dhana [.] yam krameṇa hi

bhrātā mātā pitā bhartā haret tac chāstrasaṃmatam.
vivāhakāle yat pūrvaṃ parato vā striyā api
pitrā dattaṃ tu yat sarvaṃ kumārī prathamaṃ haret.
ūḍhāyāś ca saputrāyāḥ bhāvitāyāḥ krameṇa hi.
vandhyāvidhavayor yugapa[d a]dhikāritvaṃ ca kathyate.

putrāṇām adhikāro 'sti yautukāntaravad yathā
eṣām apy abhāve ca devarasya dhanaṃ tathā.
devarasyāpy abhāve ca yugapad adhikāritā

126. =Manusmṛti 9.139cd, also quoted Dks 2.4.7.

131 Possibly to be read *taddhane adhikāritā*.

135-136. Dks 2.4.11 *āsurāditrikavivāhitāyā dhane mātṛpitṛbhrātṛbhartṝṇāṃ krameṇādhikāraḥ*.

139. *saputrāyāḥ*: ms *naputrāyāḥ*. Dks 2.5.2 *tadanantaram ūḍhāyāḥ putravatīsambhāvitaputrayoḥ*.

140. Hypermetric. Possibly to be corrected: *adhikāraś ca kathyate*.

devarabhrātṛśvaśurayoḥ putrāṇāṃ syād dhane
'dhunā.
bhaginyāḥ putra eva syād adhikārī ca dharmataḥ.

bhartuś ca bhāgineyaḥ syāt samas tasya ca piṇḍadaḥ.
tadabhāve bhrātṛsuto jāmātā tadanantaram.
etat sarvaṃ tu vijñeyam adhikārakrameṇa hi.
jāmātrabhāve sāpiṇḍyānantaryāḥ kramaśas tataḥ.
dvisaptasaṃkhyakā jñeyā vyavasthā strīdhane
budhaiḥ.

iti strīdhanādhikāriprakaraṇam

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144. ms *bhrātṛśvaśuradevarayoḥ*, corrected from Dks 2.6.4.

149. Dks 2.6.10 *sapiṇḍānantaryakrameṇa*.

150. *dvisapta°* : ms *dviśapta*. It is not clear to me what this number—and the one at line 88—refer to.